

REMARKS

The Official Action dated April 27, 2006, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. Claims 1, 13, 14, 18, and 20-22 have been amended. Claim 24 has been added. Claim 19 has been cancelled. Support for the amendments can be found in the specification and claims as originally filed. It is believed that these changes do not involve any introduction of new matter, and thereby entry is believed to be in order and is respectfully requested. Claims 1, 7, 9-11, 13-18 and 20-24 remain in the application for consideration.

In the Official Action, claims 13 and 14 were objected to and correction has been requested. In light of the amendments to claims 13 and 14 to correct the informalities, Applicants believe the objection has been overcome and respectfully request reconsideration.

Claim 18 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In light of the amendment to claim 18 changing the lower limit of the number of carbon atoms in the fatty acid from "10" to "12" Applicants believe this rejection has been overcome. Therefore, reconsideration is respectfully requested.

Claims 19-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to claims 20-22, and the cancellation of claim 19, Applicants believe the rejections have been overcome. As such, reconsideration is respectfully requested.

In the Official Action, claims 1, 7, 9-11, 13-18 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baginski et al (U.S. Patent No. 4,652,392) in view of Inamorato (U.S. Patent No. 4,252,664). The Examiner asserts that Baginski et al disclose a granular detergent composition having a controlled suds pattern having (a) suds suppressing

amount of a stable suds controlling component and (b) a sudsing detergent component, like an anionic detergent. Moreover, the Examiner contends that Baginski teaches that the stable suds controlling component includes a silicone suds controlling agent releasably incorporated in a water-soluble or water-dispersible, substantially non-surface active, detergent-impermeable and non-hygroscopic carrier, the component being substantially free of hygroscopic water-soluble inorganic salts and in the form of irregularly shaped particles having a minimum dimension not less than about 0.05 cm and a maximum dimension being at least about 20% greater than the minimum dimension. In addition, the Examiner asserts that Baginski discloses that the silicone "droplets" in the carrier matrix should be from about 1 to about 50 microns and that a preferred carrier material is a mixture of from about 0.2% to about 15% of fatty acids containing from about 12 to about 30 carbon atoms and the balance being polyethylene glycol (PEG).

The Examiner does note that Baginski et al do not teach the incorporation of a foaming component having an effervescent granule and a surface active component, as well as the particle size of the gas bubbles as claimed, and a delayed-release foam suppressing component which reduces the gas bubbles at least about 40% to about 70% after about 6 to 10 minutes. However, the Examiner contends that Inamorato disclose granular detergent compositions suitable for use in clothes-washing machines having (1) primary granules of one composition and (2) effervescent granules containing a binder, an acid, and a carbonate reactive with the acid. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to incorporate the granular detergent composition having nonionic surfactant and effervescent granules of Inamorato into the granular detergent composition of Baginski because Baginski discusses additional materials commonly found in laundering and cleaning compositions. Moreover, the Examiner also states that Inamorato teaches such materials suitable for washing fabrics, and to reasonably expect the particle size of the gas bubbles to be 400, 200 or 100 microns or less

because Inamorato teaches that one or more gas bubbles become visible at the surface of a particle in the water and thus, the visible bubbles would overlap the particle size as those recited. Finally, the Examiner notes that it would have been obvious to one of ordinary skill in the art to reasonably expect the silicone suds controlling agent of Baginski to exhibit a similar characteristic of reducing the gas bubbles at least about 40% to about 70% after about 6 to 10 minutes because similar components in the silicone suds controlling agent have been utilized.

However, as will be set forth in detail below, it is submitted that the controlled foaming systems as defined by claims 1, 7, 9-11, 13-18 and 20-23 are nonobvious and patentably distinguishable over Baginski et al in view of Inamorato and France et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Independent claim 1, from which claims 7, 9-11, 13-18, and 20-24 depend, recites a controlled foaming system adapted for use in detergent compositions. The foaming system includes a foaming component capable of providing foaming or sudsing without agitation and a delayed-release foam suppressing component. The foaming component includes an effervescent granule and at least one surface active component. The effervescent granule includes an acid source and carbonate and/or bicarbonate. The carbonate and/or bicarbonate have an amorphous structure. The foaming component produces, upon contact with water, gas bubbles having an average bubble particle size of about 400 microns or less. The surface active component includes an alkyl N-methyl glucamide and optionally a condensation product of aliphatic alcohol with from about 1 to about 15 moles of alkylene oxide. The delayed-release foam suppressing component includes a silicone foam suppressing agent which is releasably incorporated in a carrier, thereby delaying the release of said silicone foam suppressing agent. The silicone foam suppressing agent has an average droplet diameter of from about 1 to about 50 microns. The carrier is water-soluble or water dispersible, substantially non-surface active, detergent-

impermeable, and non-hydroscopic. The foam suppressing component is in the form of irregularly shaped flakes having a minimum dimension of not less than about 0.05 cm, a maximum dimension at least about 20% greater than the minimum dimension, and a thickness from 0.05 cm to 0.15 cm.

Baginski et al disclose granular detergent compositions having an effective suds controlling agent including a suds-controlling silicone material (abstract), while Inamorato discloses a granular detergent composition containing effervescing granules (abstract). The effervescing granules in Inamorato provide a gas-producing agent to give good effervescent properties (col. 1, lines 57-68 - col. 2, lines 1-3). The spray-dried particles disclosed in Inamorato have a moisture content of about 3% to 13% (col. 4, lines 61-65). France et al disclose the use of flow aids for granular products which include a mixture of sodium aluminosilicate and silica in a narrowly defined ratio (col. 1, lines 6-8).

Baginski et al fail to teach or suggest a foaming system as recited in independent claim 1. Particularly, Baginski et al fail to suggest including an effervescent granule (sudsing component). Although, Baginski et al do describe that additional laundry components can be included, the intent of the disclosure of Baginski et al is the controlled foaming of the detergent. Moreover, Baginski fails to teach or suggest having a foaming component having a surface active component including an alkyl N-methyl glucamide. The combination of Baginski et al with Inamorato or France et al does not overcome this problem.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *Glaxo Inc. v. Novopharm Ltd.*, 34 U.S.P.Q.2d, 1565 (Fed. Cir. 1995); *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Inamorato fails to suggest adding the disclosed effervescent granules to a detergent composition containing a sudsing control agent, such as a silicone material. In fact,


Inamorato fails to teach a foaming component (effervescent granule) having at least one surface active including an alkyl N-methyl glucamide. There is simply no teaching or suggestion by Inamorato to include an alkyl N-methyl glucamide as part of its disclosed effervescent granule, and as such, this deficiency does not overcome the failure of Baginski et al to teach the foaming systems as recited in the present application. Thus, Inamorato in combination with Baginski et al fails to teach the present foaming systems as recited in the present application.

While the France et al reference (which was used to reject now cancelled claim 19) generally discloses that detergent compositions can include non-ionic surfactants such as N-methyl glucamides, France et al fails to associate the combination of the non-ionic with a foaming component (e.g., there is no disclosure of using the N-methyl glucamide in combination with an effervescent granule). Thus, France et al in combination with Baginski et al fails to teach the present foaming systems as recited in the present application.

As such, Applicants contend that Baginski et al in combination with Inamorato or France et al do not support a rejection of claims 1, 7, 9-11, 13-18 and 20-23 under 35 U.S.C. § 103. Applicants therefore submit that the 35 U.S.C. § 103 rejection of the presently claimed foaming systems of claims 1, 7, 9-11, 13-18 and 20-23 over Baginski et al in view of Inamorato has been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the objections and rejections under 35 U.S.C. §§ 103 and 112, first and second paragraphs; and as such, place the present application having claims 1, 7, 9-11, 13-18 and 20-24 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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